

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Frank Falco

v.

Civil No. 11-cv-244-JD

Dunkin Management Scrivanos
Group et al.

O R D E R

Pro se plaintiff Frank Falco filed suit against Dunkin Management Scrivanos Group and Kosta Kanakas on May 13, 2011 (doc. no. 1). On that date, the Clerk's Office of this Court mailed plaintiff summonses and waivers for defendants.

Plaintiff is required to serve a summons and a copy of the complaint upon a defendant within 120 days of the date the complaint was filed. See Fed. R. Civ. P. 4(m).¹ If plaintiff fails to so serve the defendants, the Court must dismiss the complaint without prejudice or give plaintiff an additional specified period of time within which to make service upon the defendant. Id.

¹Fed. R. Civ. P. 4(m) states, in relevant part:


If a defendant is not served within 120 days after the complaint is filed, the court - upon motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

As of September 26, 2011, 136 days after the complaint in this case was filed, plaintiff has not filed any returns of service indicating that defendants have been served with a copy of the complaint. Pursuant to Fed. R. Civ. P. 4(m), service was to have been made by September 10, 2011. See id.

Plaintiff is hereby notified that he has thirty days from the date of this Order to serve the defendants and file returns of service documents in this Court indicating that the defendant has been served. If plaintiff seeks additional time to make service upon the defendant in this matter, he must so move the Court prior to October 26, 2011, and demonstrate good cause why the defendants cannot be served in the time provided herein. See id.

Failure to comply with this Order will result in a recommendation to the District Judge that this matter be dismissed.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: September 26, 2011

cc: Frank Falco, pro se

LBM:jba